

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Dennis M. Cavanaugh
v. : Criminal No. 08-551 (DMC)
DWAYNE FOSTER, : **ORDER FOR CONTINUANCE**
a/k/a "Ali"

This matter having come before the Court on the joint application of Christopher J. Christie, United States Attorney for the District of New Jersey (by Matthew E. Beck, Assistant U.S. Attorney) and defendant Dwayne Foster (by Thomas R. Ashley, Esq., appearing), for an order granting a continuance of the proceedings in the above-captioned matter from August 7, 2008 through September 30, 2008, to allow the parties to conduct plea negotiations and attempt to finalize a plea agreement, and the defendant being aware that he has the right to have this matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court and that a continuance shall serve to delay a trial in this matter, and the defendant having consented to the continuance and waived such right, for good cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

(1) Plea negotiations are currently in progress, and both the United States and the defendant desire additional time to negotiate a plea agreement, which would render a trial of this matter unnecessary;

(2) Defendant consents to the continuance; and

(3) Pursuant to Title 18 of the United States Code, Section 3161(h)(8), the ends of justice served by granting the continuance outweigh the best interest of the public and the defendant in a

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speedy trial.

WHEREFORE, IT IS on this 3 day of Sept 2008,

ORDERED that this action be, and it hereby is, continued from August 7, 2008 through September 30, 2008; defense motions, if any, are to be filed by September 29, 2008, opposition to defense motions are to be filed by October 17, 2008, motions shall be heard on NOVEMBER 3, 2008, and the trial shall be scheduled for DECEMBER 8, 2008, absent any other reason to continue the proceedings; and it is further,

ORDERED that the period from August 7, 2008 through September 30, 2008 shall be excludable in computing time under the Speedy Trial Act of 1974 (as amended October 12, 1984), pursuant to Title 18, United States Code, Section 3161.


HONORABLE DENNIS M. CAVANAUGH
UNITED STATES DISTRICT JUDGE

I hereby consent to the form
and entry of this Order


THOMAS R. ASHLEY, ESQ.
Counsel for Defendant Dwayne Foster


MATTHEW E. BECK
ASSISTANT UNITED STATES ATTORNEY